

CHAPTER 118
PIPELINE STANDARDS

S. F. 447

AN ACT relating to pipelines by establishing construction standards for pipelines to protect soil conservation and drainage structures and practices and allowing land surveys by pipeline companies after notice.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter four hundred seventy-nine (479), Code 1979, is amended by adding the following new section:

NEW SECTION. CONSTRUCTION STANDARDS.

1. The commission shall, pursuant to chapter seventeen A (17A) of the Code, adopt rules establishing standards for the protection of underground improvements during the construction of pipelines, to protect soil conservation and drainage structures from being permanently damaged by pipeline construction and for the restoration of agricultural lands after pipeline construction. To ensure that all interested persons are informed of this rule-making procedure and are afforded a right to participate, the commission shall schedule an opportunity for oral presentations on the proposed rule making, and, in addition to the requirements of section seventeen A point four (17A.4) of the Code, shall distribute copies of the notice of intended action and opportunity for oral presentations to each county board of supervisors. Any county board of supervisors may, under the provisions of chapter seventeen A (17A) of the Code, and subsequent to the rule-making proceedings, petition under those provisions for additional rule making to establish standards to protect soil conservation practices, structures and drainage structures within that county. Upon the request of the petitioning county the commission shall schedule a hearing to consider the merits of the petition. These rules adopted under this section shall not apply within the boundaries of a city.

2. The county board of supervisors shall cause an on-site inspection for compliance with the standards adopted under this section to be performed at any pipeline construction project in the county. A professional engineer familiar with the standards adopted under this section and registered under chapter one hundred fourteen (114) of the Code shall be in responsible charge of the inspection. A county board of supervisors may contract for the services of a professional engineer for the purposes of the inspection. The reasonable costs of the inspection shall be borne by the pipeline company.

3. If the inspector determines that there has been a violation of the standards adopted under this section, the inspector shall give oral notice, followed by written notice, to the pipeline company and the contractor operating for the pipeline company and order corrective action to be taken in compliance with the standards. The costs of the corrective action shall be borne by the contractor operating for the pipeline company.

4. As a part of the inspection process, the inspector shall ascertain that the trench excavation has been filled in such a manner as to provide that the top soil has been replaced on top and rocks and debris have been removed from the top soil.

5. Adequate inspection of underground improvements altered during construction of pipeline shall be conducted at the time of the replacement or repair of the underground improvements.

6. If the pipeline company or its contractor does not comply with the orders of the inspector for compliance with the standards, the county board of supervisors may direct the county attorney to petition the district court for an order requiring corrective action to be taken in compliance with the standards adopted under this section.

Sec. 2. Chapter four hundred seventy-nine (479), Code 1979, is amended by adding the following new section:

NEW SECTION. A pipeline company may enter upon private land for the purpose of making land surveys to determine direction or depth of pipelines, not to exceed a depth of twenty-five feet, after receipt of a permit to construct, maintain and operate its pipeline by giving ten days written notice by restricted certified mail to the landowner as defined in section four hundred seventy-nine point five (479.5) of the Code and to any person residing on or in possession of the land. The entry for land surveys authorized in this section shall not be deemed a trespass and may be aided by injunction. The pipeline company shall pay the actual damages caused by the entry and survey.

Sec. 3. Section four hundred seventy-nine point four (479.4), unnumbered paragraphs two (2), three (3) and four (4), Code 1979, are amended by striking the unnumbered paragraphs.

Sec. 4. This Act is effective January first following its enactment.

Approved May 7, 1979

CHAPTER 119
EARNINGS OF ASSOCIATIONS DISTRIBUTED

S. F. 442

AN ACT relating to the distribution of earnings of corporations which are cooperative associations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section four hundred ninety-nine point twenty-four (499.24), Code 1979, is amended to read as follows:

499.24 PREFERRED STOCK. Preferred stock shall bear cumulative or noncumulative dividends as fixed by the articles, not exceeding eight percent per annum. It shall have no vote. It shall be issued and be transferable